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REMARKSInterview Summary

Applicants thank the Examiner for the courtesy of the March 30, 2007 telephonic interview regarding the 35 U.S.C. §112, second paragraph rejection. The Examiner stated that claims 10-13 and 15-18 should recite the claims from which they depend in the alternative form. Although the Examiner agreed that, where a claim refers to a numerically following claim and the dependency is clear, no objection to form need be made(MPEP §601.01(n)), the Examiner suggested that claims 1-20 and 36-49 be canceled and resubmitted so that the claims are not dependent upon numerically following claims.

Status of the Claims

Claims 1-20 and 36-49 are pending in this application. Claims 1-20 and 36-49 stand rejected. Pursuant to the Examiner's suggestion, applicants have canceled claims 1-20 and 36-49 and have replaced them with new claims 50-79. The former claims and new claims correspond as follows:

Former Claim	New Claim
1-6	50-55
7-8	58-59
9-12	62-65
13-15	68-70
16-17	72-73
18	71
19-20	75-76
36-38	77-79
39	64
40-41	56-57
42-46	60-64
47-48	66-67
49	74

Support for these claims can be found in the originally filed corresponding claims and in the originally filed specification as discussed in the response filed on February 28, 2006 (see page 25 of the Remarks section, hereby incorporated by reference).

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The Office Action

The §103 Rejection

The Examiner has rejected claims 1-14, 19, 20, and 36-39 under 35 U.S.C. §103(a) as being unpatentable over WO 2004/002961. The Examiner contends that "it would have been obvious to one of ordinary skill in the art to replace the hydrogen substituent of the prior art for an alkyl substituent of the instantly claimed compound." Applicants traverse.

Applicants respectfully submit that this rejection is invalid under §103(c), which disqualifies prior art against the claimed invention if the subject matter of the prior art and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicants respectfully submit that the instant application, US Application No. 10/743,563 and WO 2004/002961 (which corresponds to US Application No. 10/609,147, now published US Application No. 20040072850) were, at the time the instant invention was made, subject to an obligation of assignment to Vertex Pharmaceuticals Incorporated.

Accordingly, applicants respectfully request that the Examiner withdraw the 35 U.S.C. §103(a) rejections.

The §112, second paragraph Rejection

The Examiner has rejected claims 10-13 and 15-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends that the claim dependency is incorrect.

As discussed in the interview summary above, applicants have canceled claims 1-20 and 36-49 and have replaced them with claims 50-79. Accordingly, applicants respectfully request that the Examiner withdraw the 112, second paragraph rejections.

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CONCLUSION

Accordingly, applicants request that the Examiner consider the foregoing remarks, and allow the pending claims to issue. If the Examiner believes that a telephone discussion would further issuance of this application, the Examiner is invited to call the undersigned attorney or agent at any time.

Respectfully submitted,



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